

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
JIHAD ZOGHEIB,  
  
Defendant.

ORDER APPROVING  
**STIPULATION TO CONTINUE  
TRIAL DATE**  
( Fifth Request)

CASE NO. 2-16-CR-00057-LRH-VCF

**IT IS HEREBY STIPULATED AND AGREED** by and between the Defendant, JIHAD ZOGHEIB by and through his attorney, Randall J. Roske, and the Plaintiff, the United States of America, by and through its attorney, Patrick Burns, AUSA, that the calendar call currently scheduled for July 27, 2017 at 9:00 AM and the trial date currently scheduled for August 8, 2017 at 8:30 AM, be vacated and continued to a time convenient to this Court, preferably 90 days into the future.

This Stipulation is entered into for the following reasons:

1. Attorney for Defendant, Randall Roske, is working with an investigator who has uncovered approximately six banker boxes of new evidence in this case. The boxes contain financial documents that may contain exculpatory evidence. The documents need to be sorted, catalogued, and analyzed for their potential use at trial. Then they need to be disclosed to the government for their use. It is believed because of the random condition of these documents, it will take a month to sort, a month to analyze and

- 1 categorize. Then time will be necessary to convert the paper to digital form and for  
2 counsel to review.
- 3 2. That Defendant, JIHAD ZOGHEIB, is incarcerated but he does not object to the  
4 continuance.
- 5 3. That counsel for the United States of America are in agreement with the requested  
6 continuance.
- 7 4. That this is the fifth request for a continuance in this matter.
- 8 5. That the ends of justice would best be served by the granting of the continuance of the  
9 trial date.

10 STEVE W. MYHRE  
11 Acting United States Attorney  
12

13 /s/  
14 \_\_\_\_\_  
15 Randall J. Roske, Esq.  
16 Attorney for JIHAD ZOGHEIB  
17 Defendant  
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13 /s/  
14 \_\_\_\_\_  
15 Patrick Burns, Esq.  
16 Attorney for the  
17 United States.  
18

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**FINDINGS OF FACT, CONCLUSIONS OF LAW, ORDER**

**I. Findings of Fact**

Based upon the foregoing facts contained in the parties' Stipulation, and good cause appearing therefore, the Court finds that:

1. The Defendant, JIHAD ANTHONY ZOGHEIB, is incarcerated and does not object to the requested continuance.
2. That additional time is required to review the extensive documentary evidence uncovered by the defense investigator.
3. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), when considering the factors under Title 18 United States Code, Sections 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).
4. This is the fifth request for a continuance of the trial date.

5. For all of the above stated reasons, the ends of justice would best be served by a continuance of the trial date.

## II. CONCLUSIONS OF LAW

Based upon the foregoing findings of fact, the Court makes the following conclusions of law:

1. The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance could result in a miscarriage of justice.
2. The continuance sought herein is excludable under the Speedy Trial Act Title 18 U.S.C. §3161(h)(7)(A), when considering the factors under Title 18 U.S.C. §3161(h)(7)(B)(i) and Title 18 United States Code § 3161(h)(7)(B)(iv).

## ORDER

BASED upon the Stipulation of the parties, and good cause appearing therefore;  
IT IS HEREBY ORDERED that the trial currently scheduled for August 8, 2017 at the hour of 8:30 a.m. be vacated and the same be continued to the 9th day of January, 2018, at the hour of 8:30 am in a Las Vegas Courtroom to be determined before Judge Larry R. Hicks; and the Telephonic Calendar Call currently set for July 27, 2017, at 9:00 a.m. be vacated and continued to the 28th day of December, 2017, at 9:00 a.m. in Reno Courtroom 3 before Judge Larry R. Hicks. NO FURTHER CONTINUANCES.

DATED this 12th day of July, 2017.

  
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LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE